

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GAVIN ROZZI,

Plaintiff,

vs.

ROBERT SELFORS, a/k/a "BOB
HANSEN," individually and in his
capacity as President of Happy Panda,
Inc., CANA WITTENBERG SELFORS,
individually and in her capacity as
President of Happy Panda, Inc.,
HAPPY PANDA, INC., a North Carolina
Corporation, SIMPLE WEBSITES,
INC., A North Carolina Corporation,
BRIER CREEK FELLOWSHIP, INC. A
North Carolina Nonprofit Corporation,
JOHN DOES 1-100, ABC ENTITIES
(1-100)

Defendants.

Case No. 3:23-cv-03363-RK-DEA

Civil Action

**ANSWER TO FIRST AMENDED
COMPLAINT**

ROBERT SELFORS, CANA WITTENBERG SELFORS, HAPPY PANDA, INC.
SIMPLE WEBSITES, INC. and BRIER CREEK FELLOWSHIP, INC. by way of Answer
to the plaintiff's complaint states:

PRELIMINARY STATEMENT

No response required as no factual allegation pled. To the extent the preliminary
statement can be considered allegations of fact, these defendants deny the allegations.

This defendant does not have sufficient knowledge as to this allegation and
therefore denies it.

PARTIES

1. These defendants do not have sufficient knowledge as to whether plaintiff is a resident of Forked River, New Jersey. As to the rest of the allegations, defendants deny them.

2. Defendant ROBERT SELFORS admits he is a resident of Durham, North Carolina. Defendant ROBERT SELFORS denies the rest of the allegations. These allegations do not pertain to CANA WITTENBERG SELFORS, HAPPY PANDA, INC. SIMPLE WEBSITES, INC. and BRIER CREEK FELLOWSHIP, INC. who make no response except to deny them as the allegations may be deemed to pertain to them

3. Defendant CANA WITTENBERG SELFORS admits she is a resident of Durham, North Carolina, admits that she is married to ROBERT SELFORS and registered agent for SIMPLE WEBSITES, INC. CANA WITTENBERG SELFORS denies she is the Vice President of HAPPY PANDA, INC. These allegations do not pertain to ROBERT SELFORS, HAPPY PANDA, INC., SIMPLE WEBSITES, INC. BRIER CREEK FELLOWSHIP, INC. who make no response except to deny them as the allegations may be deemed to pertain to them. ROBERT SELFORS admits that he is married to CANA WITTENBERG SELFORS. HAPPY PANDA, INC. admits that CANA WITTENBERG SELFORS is its registered agent.

4. Defendant HAPPY PANDA, INC. admits it is a North Carolina corporation with a registered office located at 83111 Brier Creek Parkway Suite 105192 Raleigh, North Carolina. Defendant HAPPY PANDA, INC denies the rest of the allegations. These allegations do not pertain to ROBERT SELFORS, CANA WITTENBERG SELFORS,

SIMPLE WEBSITES, INC. and BRIER CREEK FELLOWSHIP, INC. who make no response except to deny the same as they may be deemed to pertain to them

5. Defendant HAPPY PANDA, INC. denies these allegations. These allegations do not pertain to ROBERT SELFORS, CANA WITTENBERG SELFORS, SIMPLE WEBSITES, INC and BRIER CREEK FELLOWSHIP, INC. who make no response except to deny the same as they may be deemed to pertain to them.

6. Defendant SIMPLE WEBSITES, INC admits it a North Carolina corporation with its registered office listed at 6409 Fayetteville Rd, St 120123, Durham, North Carolina 27713. Defendant SIMPLE WEBSITE, INC. denies the rest of the allegations. These allegations do not pertain to ROBERT SELFORS, CANA WITTENBERG SELFORS, HAPPY PANDA, INC and BRIER CREEK FELLOWSHIP make no response except to deny the same as they may be deemed to pertain to them.

7. Defendant BRIER CREEK FELLOWSHIP, INC. admits it a North Carolina non-profit corporation with a registered office located at 710 Obsidian Way, Durham, NC These allegations do not pertain to ROBERT SELFORS, CANA WITTENBERG SELFORS, HAPPY PANDA, INC. and SIMPLE WEBSITES, INC. make no response except to deny the same as they may be deemed to pertain to them.

8. These allegations do not pertain to the defendants who make no response except to deny the same as they may be deemed to pertain them.

9. These allegations do not pertain to the defendants who make no response except to deny the same as they may be deemed to pertain them.

JURISDICTION AND VENUE

10. Defendants can neither admit or deny these allegations as it calls for defendant to admit or deny legal conclusions.

11. Defendants can neither admit or deny these allegations as it calls for defendant to admit or deny legal conclusions.

12. Defendants can neither admit or deny these allegations as it calls for defendant to admit or deny legal conclusions.

FACTUAL AVERMENTS

Defendants' Campaign of Illegal Robocall Solicitations Targeting New Jersey Cell Phone Consumer

13. These defendants do not have sufficient knowledge to respond to these allegations and, therefore, denies them.

14. These defendants do not have sufficient knowledge to respond to these allegations and, therefore, denies them.

15. These defendants do not have sufficient knowledge to respond to these allegations and, therefore, denies them.

16. These defendants deny this allegation.

17. Defendant HAPPY PANDA, INC. denies these allegations. These allegations do not pertain to ROBERT SELFORS, CANA WITTENBERG SELFORS, SIMPLE WEBSITES, INC. and BRIER CREEK FELLOWSHIP, INC. who make no response except to deny the same as they may be deemed to pertain to them.

18. Defendant BRIER CREEK FELLOWSHIP, INC. denies these allegations. These allegations do not pertain to ROBERT SELFORS, CANA WITTENBERG SELFORS, HAPPY PANDA, INC and SIMPLE WEBSITES, INC. who make no response except to deny the same as they may be deemed to pertain to them.

19. Defendant SIMPLE WEBSITES, INC. denies these allegations. These allegations do not pertain to ROBERT SELFORS, CANA WITTENBERG SELFORS, HAPPY PANDA, INC and BRIER CREEK FELLOWSHIP, INC. who make no response except to deny the same as they may be deemed to pertain to them.

20. These defendants deny these allegations.

21. These defendants deny these allegations.

22. These defendants deny these allegations.

23. These defendants deny these allegations.

24. These defendants deny these allegations.

25. These defendants deny these allegations.

26. These defendants deny these allegations.

27. These defendants deny these allegations.

28. These defendants deny these allegations. To the extent, the allegations call for a legal conclusion, defendant can neither admit or deny it because the allegations call for a legal conclusion.

29. These defendants deny these allegations.

30. These defendants deny these allegations.

31. These defendants deny these allegations.

32. These defendants deny these allegations.

33. These defendants deny these allegations.

34. These defendants deny these allegations.

35. Defendants do not have sufficient knowledge to respond to these allegations and, therefore, denies them.

36. Defendants do not have sufficient knowledge to respond to these allegations and, therefore, denies them.

37. Defendants do not have sufficient knowledge to respond to these allegations and, therefore, denies them

38. Defendant ROBERT SELFORS admits to using the pseudonym, Bob Hansen. These allegations do not pertain to SIMPLE WEBSITES, INC., CANA WITTENBERG SELFORS, HAPPY PANDA, INC and BRIER CREEK FELLOWSHIP, INC. who make no response except to deny the same as they may be deemed top pertain to them.

39. Defendant ROBERT SELFORS and BRIER CREEK FELLOWSHIP, INC. can neither admit or deny these allegations as they are confusing to determine what plaintiff is plaintiff is alleging. Defendant ROBERT SELFORS, therefore, denies them. These allegations do not pertain to SIMPLE WEBSITES, INC., CANA WITTENBERG SELFORS, and HAPPY PANDA, INC. who make no response except to deny the same as they may be deemed top pertain to them.

40. These defendants deny the allegations.

41. ROBERT SELFORS denies these allegations. These allegations do not pertain to SIMPLE WEBSITES, INC., CANA WITTENBERG SELFORS, HAPPY PANDA, INC. and BRIER CREEK FELLOWSHIP, INC. who make no response except to deny the same as they may be deemed top pertain to them.

42. Defendant ROBERT SELFORS admits to using the pseudonym, Bob Hansen. These allegations do not pertain to SIMPLE WEBSITES, INC., CANA WITTENBERG SELFORS, HAPPY PANDA, INC. and BRIER CREEK FELLOWSHIP, INC. who make no response except to deny the same as they may be deemed top pertain to them.

Defendant Robert Selfors Sells His Illegal Services to John Doe Defendants Via the Fiverr Marketplace

43. Defendant ROBERT SELFORS denies these allegations. These allegations do not pertain to SIMPLE WEBSITES, INC., CANA WITTENBERG SELFORS, HAPPY PANDA, INC and BRIER CREEK FELLOWSHIP, INC. who make no response except to deny the same as they may be deemed to pertain to them.

44. Defendant ROBERT SELFORS denies these allegations. These allegations do not pertain to SIMPLE WEBSITES, INC., CANA WITTENBERG SELFORS, HAPPY PANDA, INC. and BRIER CREEK FELLOWSHIP, INC who make no response except to deny the same as they may be deemed to pertain to them.

45. Defendant ROBERT SELFORS denies these allegations. These allegations do not pertain to SIMPLE WEBSITES, INC., CANA WITTENBERG SELFORS, HAPPY PANDA, INC and BRIER CREEK FELLOWSHIP, INC. who make no response except to deny the same as they may be deemed to pertain to them.

46. Defendant ROBERT SELFORS denies these allegations. These allegations do not pertain to SIMPLE WEBSITES, INC., CANA WITTENBERG SELFORS, HAPPY PANDA, INC. and BRIER CREEK FELLOWSHIP, INC. who make no response except to deny the same as they may be deemed to pertain to them.

47. Defendant ROBERT SELFORS denies these allegations. These allegations do not pertain to SIMPLE WEBSITES, INC., CANA WITTENBERG SELFORS, HAPPY PANDA, INC. and BRIER CREEK FELLOWSHIP, INC. who make no response except to deny the same as they may be deemed to pertain to them.

48. Defendant ROBERT SELFORS denies these allegations. These allegations do not pertain to SIMPLE WEBSITES, INC., CANA WITTENBERG SELFORS, HAPPY

PANDA, INC. and BRIER CREEK FELLOWSHIP, INC. who make no response except to deny the same as they may be deemed to pertain to them.

49. Defendant ROBERT SELFORS denies these allegations. These allegations do not pertain to SIMPLE WEBSITES, INC., CANA WITTENBERG SELFORS, HAPPY PANDA, INC. and BRIER CREEK FELLOWSHIP, INC who make no response except to deny the same as they may be deemed to pertain to them.

50. These defendants deny these allegations.

51. These defendants deny these allegations.

52. Defendants ROBERT SELFORS, CANA WITTENBERG SELFORS, and BRIER CREEK FELLOWSHIP, INC. deny these allegations. These allegations do not pertain to SIMPLE WEBSITES, INC. and HAPPY PANDA, INC. who make no response except to deny the same as they may be deemed to pertain to them.

53. These defendants deny these allegations.

54. These defendants deny these allegations.

55. These defendants deny these allegations.

56. These defendants deny these allegations.

57. These defendants deny these allegations.

COUNT I

Gavin Rozzi vs. Robert Selfors, Cana Wittenberg Selfors, Happy Panda, Inc., Simple Websites, Inc. and Brier Creek Fellowship, Inc.

KNOWING AND WILLFUL VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT (47 U.S.C. 227 § et seq)

58. These defendants repeat and reiterate their responses as if set forth herein.

59. These defendants can neither admit or deny these allegations as it calls for defendants to admit these allegations.

60. These defendants can neither admit or deny these allegations as it calls for defendants to admit these allegations.

61. These defendants deny these allegations.

62. These deny these allegations.

63. Defendants can neither admit or deny these allegations as it calls for defendants to admit or deny a legal conclusion. Notwithstanding this response, these defendants deny the allegations.

64. These defendants can neither admit or deny these allegations as it calls for defendants to admit these allegations. Notwithstanding this response, these defendants deny the allegations.

65. These defendants can neither admit or deny these allegations as it calls for defendants to admit these allegations. Notwithstanding this response, these defendants deny the allegations.

66. These defendants can neither admit or deny these allegations as it calls for defendants to admit these allegations. Notwithstanding this response, these defendants deny the allegations.

67. These defendants can neither admit or deny these allegations as it calls for defendants to admit these allegations. Notwithstanding this response, these defendants deny the allegations.

68. These defendants can neither admit or deny these allegations as it calls for defendants to admit these allegations. Notwithstanding this response, these defendants deny the allegations.

69. These defendants can neither admit or deny these allegations as it calls for defendants to admit these allegations. Notwithstanding this response, these defendants deny the allegations.

70. These defendants deny the allegations.

71. These defendants can neither admit or deny these allegations as it calls for defendants to admit these allegations. Notwithstanding this response, these defendants deny the allegations.

72. These defendants can neither admit or deny these allegations as it calls for defendants to admit these allegations. Notwithstanding this response, these defendants deny the allegations.

COUNT II

Gavin Rozzi vs. Robert Selfors, Cana Wittenberg Selfors, Happy Panda, Inc., Simple Websites, Inc. and Brier Creek Fellowship, Inc.

VIOLATIONS OF THE NEW JERSEY CONSUMER FRAUD ACT (N.J.S.A. 56:8-1et seq)

73. These defendants repeat and reiterate their responses as if set forth herein.

74. These defendants can neither admit or deny these allegations as it calls for defendants to admit these allegations.

75. These defendants can neither admit or deny these allegations as it calls for defendants to admit these allegations.

76. These defendants deny these allegations.

77. These defendants can neither admit or deny these allegations as it calls for defendants to admit these allegations. Notwithstanding this response, these defendants deny the allegations.

78. These defendants can neither admit or deny these allegations as it calls for defendants to admit these allegations. Notwithstanding this response, these defendants deny the allegations.

79. These defendants can neither admit or deny these allegations as it calls for defendants to admit these allegations. Notwithstanding this response, these defendants deny the allegations.

80. These defendants deny the allegations.

81. These defendants deny the allegations.

82. These defendants deny the allegations.

83. These defendants deny the allegations.

84. These defendants deny the allegations.

85. These defendants deny the allegations.

86. These defendants deny the allegations.

87. These defendants deny the allegations.

88. These defendants deny the allegations.

89. These defendants can neither admit or deny these allegations as it calls for defendants to admit these allegations. Notwithstanding this response, these defendants deny the allegations.

COUNT III

**Gavin Rozzi vs. John Does 1-100, ABC Entities 1-100 (fictitious defendants
KNOWING AND WILLFUL VIOLATIONS OF THE TELEPHONE CONSUMER
PROTECTION ACT (47 U.S.C. 227 § et seq)**

90. These defendants repeat and reiterate their responses as if set forth herein.

91. These allegations do not pertain to these defendants who make no response except to deny the same as they may be deemed to pertain to them

92. ROBERT SELFORS denies the allegations. These allegations do not pertain to SIMPLE WEBSITES, INC., CANA WITTENBERG SELFORS, HAPPY PANDA, INC and BRIER CREEK FELLOWSHIP, INC. who make no response except to deny the same as they may be deemed top pertain to them.

93. These allegations do not pertain to these defendants who make no response except to deny the same as they may be deemed to pertain to them.

95. These allegations do not pertain to these defendants who make no response except to deny the same as they may be deemed to pertain to it.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The plaintiff's Complaint is barred by the applicable statute of limitations.

Second Affirmative Defense

The plaintiff's Complaint fails to state a claim upon which relief can be granted.

Third Affirmative Defense

The defendants reserve the right to raise any and all affirmative defenses which may become apparent during the course of this action, and, accordingly, to amend its Answer to the Complaint.

Fourth Affirmative Defense

The equipment with which RPM placed calls to the plaintiff is not an “automatic dialing system” as defined in 47 U.S.C. 27(a)(1).

Fifth Affirmative Defense

The Telephone Consumer Protect Act does not apply to business phone calls.

Eighth Affirmative Defense

The plaintiff is not entitled to supplemental jurisdiction for his state law claims

Ninth Affirmative Defense

The defendants had plaintiff’s express consent to call the plaintiff.

Tenth Affirmative Defense

Brier Creek Fellowship, Inc. is entitled to all Charitable Immunity Defenses

CERTIFICATION PURSUANT TO LOCAL RULE 11.2

The defendant hereby certifies that the matter in controversy is not the subject of any other action. The defendant further certifies that he has no knowledge of any contemplated action or arbitration proceeding which is contemplated regarding the subject matter of this action, and that he is not aware of any other parties who should be joined in this action.

JURY DEMAND

The defendant demands a trial by jury on all issues.

/s/ Peter Cipparulo, III
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(908) 275-8777
(973) 737-1617 (facsimile)
petercipparulo@cipplaw.com
Attorney for Defendants

DATED: December 19, 2023

CERTIFICATE OF SERVICE

I certify that on this 19th day of December, 2023, a copy of the foregoing **Answer** was filed electronically in the ECF system. Notice of this filing will be sent to the parties of record by operation of the court's electronic filing system, including plaintiff's counsel as described below. Parties may access this filing through the court's system.

Galvin Rozzi, pro se.

/s/ Peter Cipparulo, III
Law Offices of Peter Cipparulo, III, LLC
Attorney for Defendants